

On the 5th of July, 1826, Eli Marriott and Cornelius Shipley and Sarah his wife, filed their petition in this case, in which, after setting out those circumstances, they state, that Eli and Sarah are the children of Mary Marriott, the sister of the late William Hammond, and, as such, legatees under his will; that the shares to which they were entitled, were adjusted and awarded to them in that case; that Basil Brown, who as trustee made sale of the late William Hammond's estate, received the purchase money, but had *not, during his life, nor had his administrators, since his death, paid to them their legacies so bequeathed and **412** assigned to them; and that these petitioners, Eli and Sarah, having been infants and but recently attained their full age, were therefore prevented from making an earlier application. Whereupon they prayed, that the present trustee might be ordered to make report of his proceedings; that they might be admitted to come in as creditors under the decree; that the proceeds of the sales already made, might be applied to the payment of their claims ratably with other claims; that the trustee might be ordered to make sale of so much more of the real estate as would be sufficient to satisfy the claims against the late Basil Brown; and that they might have such other relief as the nature of their case required, &c.

BLAND, C., 6th July, 1826.—Ordered, that the petitioners be, and they are hereby permitted to come in as plaintiffs and creditors in this case, as prayed; subject to all legal objections that may be made against their claims. And it is further ordered, that Rezin Hammond, the trustee, be, and he is hereby directed and required to make report to this Court of the proceedings had under the said decree for the sale of the real estate of the late Basil Brown. And it is further ordered, that the said trustee proceed to make sale of so much more of the said real estate as, in addition to the sales heretofore made, will be sufficient to discharge all the claims that have been exhibited against the said estate.

On the 9th of August, 1826, Samuel Vansant and Mary Ann his wife, filed their petition, alleging that she was another of the children of Mary Marriott, and as such a legatee under the will of the late William Hammond. In other respects the matter, statements, and prayer of this petition were similar to that of Marriott and Shipley. On the 25th of January, 1827, Marriott and Shipley filed another petition, alleging that the trustee had made a report of the proceedings under the decree, but had taken no steps for a sale; and praying that he might be ordered to proceed to sell without delay; and, in respect to the great lapse of time, that the sale might be for cash; which was on the next day ordered accordingly. On the 6th of March following, they filed a third petition, in which